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OF THE

## **Newport Historical Society**

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Number Eleven

NEWPORT, R. I.

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### **The Old State House at Newport.**

A PAPER BY

**Prof. WILLIAM McDONALD**

OF BROWN UNIVERSITY

**At the Dedication of the Tablet to Mark this Historic Building,  
June 11, 1913.**

Read at the Rooms of the Newport Historical Society, Touro Street.

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It is, I think, as true of a youthful country like ours as it is of the more venerable countries of the old world, that public buildings epitomise and illustrate the history of the communities in which they stand. In the initial decision to build, the choice of a site, the determination of plan and exterior, the provision for payment, and the uses to which the building is put, each historic structure of a public sort represents a stage, or a series of stages, in the social development of a town, or a city, or a state, or the nation. This building whose historic significance we commemorate today by a tablet which the State, in wise regard for its past, provides, typifies in many ways for more than a century and a half the public life of Rhode Island, and to a considerable extent, also, the public life of Newport; and the fact that within its walls today the law is interpreted and applied rather than enacted, only emphasized the continuity of its public use through these more than five generations.

Until 1690, twenty-seven years after the charter of Rhode Island was granted, the General Assembly of the colony seems to have no fixed abiding place. In 1676, for example, it met at the house of Capt. Rich-

ard Morris, and thereafter was debtor to other gentlemen for the hospitality of a home. At a meeting of the assembly on May 7, 1690, however, it was voted to finish at once the town house in Newport, payment for the same to be made out of money and wool then in the treasurer's hands. The work dragged, apparently, for on March 27, 1709, it was again voted to pay £100 to finish the house. If any part of that sum remained unused, it was to go to the building committee for their labor and pains, at the rate of £6 per man. This first Colony House was built of wood, and was used jointly by the Assembly and Town Council. From 1694 to 1715 it was also used for religious services, but the Assembly finally objected, and the services were discontinued.

By 1738 the Assembly had outgrown its meagre quarters, and it was voted to build a new Colony House. The old building was sold at auction and removed to Prison Lane, where it was converted into a dwelling, the bell being transferred to the Colony House at Providence. The vote of the Assembly, passed at the February session at Warwick, directed "that a new Colony House be built and made of brick, at Newport where the old one now stands, consisting of eighty feet in length and forty in breadth and thirty feet studd, the length thereof to stand near or quite north and south." A building committee, composed of Peter Bours, Esbon Sanford, George Goulding and George Wanton was appointed to oversee the removal of the old building and the erection of the new. An appropriation of £1000 was made, to be accounted for to the governor, John Chipman, William Ellery and Joseph Whipple. On certificate from this auditing committee that the account had been duly rendered, additional sums of £1000 each might be drawn from time to time until the work was finished.

It is not surprising to find that there was controversy about the position of the building on the lot. Whichever way the building faced, many would wish that it faced the other. In May, 1739, it was voted to repeal so much of the act as directed the length of the building to run north and south, and instead to lay the length east and west. However satisfactory this new arrangement might be to the assembly, which met occasionally, it clearly was not satisfactory to the people of Newport, who could hardly avoid seeing the structure every day in the year; and on the 10th of July a petition from sundry inhabitants of the town was presented, setting forth diplomatically that the new Colony House would look more commodious if its length ran north and south. The Assembly accordingly once more reversed its action, and decreed a location north and south, at the same time making belated provision for a cellar. Whether a cellar was a luxurious afterthought, or whether it was believed that, with the cellar once excavated, the building itself was less likely to be moved, does not appear; but we hear no more of the controversy.



The honor of designing the building has been claimed for Peter Harrison, the architect of the Redwood Library building. In the Rhode Island Colonial Records (V. 71), however, is a request from Elizabeth Munday, for the allowance of an account of her late husband against the colony for "advice and attendance respecting the building of the Colony House and for drawing a plan of the same." In 1743 the Assembly passed an act for the payment of this claim.

Between the time of the sale of the old Colony House and the completion of the new one, the Assembly was again without a home. In May, 1740, it met at the house of Thomas Potter. In 1743, however, the walls of the building were up, and, save for the changes in its surroundings, the building was revealed about as it is seen today; standing on a high foundation of freestone, with walls of brick, and freestone facings and window-caps, doors on the north, the south and the west, approached by long flights of steps, and the roof surmounted by a cupola with a bell. The letters cut into some of the stories have given rise to considerable speculation, and have been variously interpreted. Mrs. Van Rensselaer, the author of "Newport; our Social Capital," ventures the opinion that they may be masonic marks, while others have seen in them the initials of prominent men of the colony.

The building was apparently designed for other uses than those incident to the sessions of the General Assembly, and was in fact long used for a variety of public purposes. The large hall on the main floor served for military drill and town meetings. In one of the rooms above, the courts held their sessions. There need be no surprise, therefore, at finding the building referred to sometimes as the court house, some times as the town house, and sometimes as the colony house. The halls of the Senate and House of Representatives (the latter used also as a court room) were on the second floor, the room of the Representatives opening upon a balcony on the front of the building, from whence the sheriff made proclamation of the election of governors and other officials. The Representatives' hall was commodious and well lighted, but the Senate chamber was small and dark: hardly a worthy place for Gilbert Stuart's painting of Washington, a companion to the one painted for the Providence Colony House.

Channing, in his "Early Recollections of Newport," states that in the room of the House of Representatives there was no raised chair or rostrum for the speaker, but only a long table in the center of the hall. Instead, moreover, of having a sufficient number of chairs for distinguished visitors, or for the honorable Senate when the two bodies sat in joint session, Senators were compelled to stand in their places until their accustomed seats were transferred from the Senate chamber by attendants. When the joint session was over, the Senators again stood while **their chairs were returned.**

The same writer is authority for a story which serves to show that the pomp and ceremony of gubernatorial inaugurations did not preclude, on occasion, irreverent personal allusions. The story is to the effect that one John Richards, a deputy sheriff, announcing from the balcony the election of a governor who was an acknowledged *BON VIVANT*, varied the time-honored formula by adding, after "God save the State of Rhode Island," the words, "for the year ensuing."

Apparently the cellar was for some time not needed for colony purposes, for we find that in 1760 it was rented for a year for £180, presumably a depreciated paper valuation. How long this practice continued I do not know. It cost £61 14s. that year for sweeping and cleaning, and 6s. more the next year, including, however, the purchase of brooms. Whether or not the building was kept clean I do not venture to say: I only record the fact that the appropriations were made, and it is safe to say that the money was spent.

As the largest public hall in the town, the State House was in demand for public receptions and similar functions. A list of the distinguished people who have been entertained within its walls would include, probably, a large proportion of people of note who visited Newport during its earlier days. In Rhode Island, at least, sectarian severity put no restraint upon social delights, and could the walls of the old State House speak, they would recall to us many a brilliant gathering and many a famous name. Religious services of various kinds, too, were held there, for the early objection of the Assembly to the use of the first Colony House for such purposes seems not to have carried over to the new. During the time when the French, under Count de Rochambeau, occupied Newport and used the building as a hospital, masses for the sick and dying were frequently said in the basement. The congregation of the present Emmanuel Church used the State House for a time as a place of worship, and Masonic meetings were also occasionally held.

With ample accommodations within for the work of the courts, the location of the building accorded well with the publicity which, in early days, attended the infliction of punishment for crimes and misdemeanors. Many a thief was whipped at the cart's tail over a route which led from the State House through Spring street and back by Thames street, to the terror of evil-doers and the edification of the godly-minded. In front of the building might sometimes be seen the pillory, moved with its luckless occupant, to a different point of the compass every fifteen minutes, that all the town might see.

Official records, contemporary narratives, and treasured story and tradition hold for the searcher many an incident, grave or gay, solemn or spectacular, temporary or epoch-making, in which this old building had a part. Such was the memorable election day in 1756, when a

military parade attended the governor to the State House. In 1761 the death of George II and the accession of George III was proclaimed from the balcony, the assembled people little dreaming that the ceremony, typifying that regard for monarchy which to Englishmen was grounded in the remotest past, was being performed for the last time in Rhode Island, or that when the long reign of George III should have run one-fourth of its course, the colony would have become an independent commonwealth.

In 1766 a public meeting at the State House celebrated the repeal of the Stamp Act, the provisions of which the town of Newport had effectually nullified. Three years later, the merchants of Newport formed here a non-intercourse agreement against Gt. Britain, to continue so long as the duties on paper imposed by the Townsend revenue act remained in force. In January, 1773, the commission appointed to detect the persons responsible for the burning of the *GASPEE* sat at the State House daily, except Sundays, for three weeks; and a year later a public meeting at the same place planned resistance to the East India Co. in the importation of tea. Then, on July 20, 1776, came the reading by Major John Handy, from the steps, of the Declaration of Independence, which Stephen Hopkins and William Ellery presently signed on behalf of Rhode Island.

As with University Hall at Providence, so with the State House at Newport, the Revolutionary War brought changes and injuries. Both buildings were used as hospitals, the former by the French, the latter by both French and British. The British use of the State House began in 1779, and was not restrained within either medical or surgical limits. General Prescott, who took up his residence in the Banister house, looked upon the south flight of steps and pronounced them good, and presently removed them, making out of them, with the aid of similar stones from private houses, a spacious sidewalk. After the evacuation of Newport by the British, the stones were reclaimed and again put in place. The building itself suffered hard usage, and was left in such condition that in 1780 the town had to use the Friends' Meeting House as a place of business and assembly. Nevertheless, the building was illuminated in honor of the arrival of the French, and thirteen "grand rockets" were fired from the parade ground. The French also appear to have used the building as a hospital, but for how long or to what extent I do not know.

Preparations for the repair of the building were begun sometime before the war was over, and while the rooms must still, apparently, have been used for military purposes. In May, 180, the Assembly voted that "whereas the State House and Gaol in the County of Newport are in a ruinous condition and must soon be rendered useless unless

they are repaired—It is therefore voted that William Davis, Esquire, Sheriff of said County, cause such repairs to be made on said State House as may prevent it from further ruin.” It would seem either that Sheriff Davis found the task greater than was expected, or else that military exigencies still predominated, for in the following March the Assembly resolved that “whereas the State House was used as a barrack by the enemy during the time they were in possession of the Island of Rhode Island, whereby the same was so much injured that this Assembly nor courts of Law can be accommodated therein, unless large sums of money be expended in repair thereof—It is therefore voted that the Sheriff of Newport, under the direction of the present Deputies, cause such a number of benches to be placed in the Synagogue as will accommodate the Assembly—and that he purchase two tables and twelve chairs for the use aforesaid.

By some means or other, however, the building was made available for civil and social purposes. In the spring of 1781, when Washington visited Newport to confer with the French commander, the town was illuminated on the evening of his arrival, and on the next day a dinner was given in his honor at the State House. Before the end of the year, however, the Sheriff was directed by the Assembly to take down a shed near the house of George Romes and use the material to board up the State House windows. The shutters were probably off by 1783, when on April 25 the townspeople thronged to the State House to celebrate the conclusion of the preliminary treaty of peace. Some time in that year a public subscription was raised with which to place a clock, made by Benjamin Dudley of Newport, over the balcony.

It was here that the convention of 1790, to ratify the Constitution of the United States and make Rhode Island at last a member of the Union assembled. The crowd proved too great for the capacity of the building, and the convention accordingly adjourned to the Second Baptist Church. Another dinner to Washington and his suite marked the visit of the Chief Magistrate later in the year. Dinners, indeed, came frequently in those days, as they do now, healing the breach of sometime enmities, softening the harshness of fortune, and making the flowing bowl a symbol of the flow of soul and friendliness. On July 2, 1791, for example, when the first meeting of the Grand Lodge of Masons was held at Newport, the session at Trinity Church was followed by an “elegant dinner” at half-after two at the Representatives’ Hall, with fourteen toasts to make the occasion memorable. Again, when Fort Adams was named, July 4, 1799, the NEWPORT MERCURY tells us that the Artillery Company repaired after the exercises to the State House, “where they partook of an excellent repast and drank a number of highly patriotic toasts.”

For the next few years the political history of Rhode Island and the United States presented little that called for special public celebration. The downfall of the Federalists, the election of Jefferson, the strained relations with England and Napoleon, and the fatal policy of embargo and non-intercourse, all left their mark, but not in dinners, receptions, illuminations or fireworks. Then came the War of 1812, and the memorable victory of a Rhode Island man on Lake Erie. On Nov. 15, 1813, two months after his defeat of the British, the old State House welcomed Commodore Perry. Buildings were again illuminated, and, in the language of the PROVIDENCE GAZETTE, "the display of the Union Flag," and the "ringing of bells . . . demonstrated the feeling of his countrymen on the happy return of the Hero from . . . his fields of Glory." Thirteen years later Major Handy, now an old man, read from the steps the Declaration of Independence, as he had done under such different circumstances fifty years before.

The year 1843 is memorable in the history of Rhode Island. For sixty-eight years Rhode Island, a State of the Union and enjoying a republican form of government, had no written Constitution. The old charter had lapsed with forcible resistance to Great Britain, and no other instrument of fundamental law had as yet taken its place. Now, however, though with somewhat strenuous excitement to mark the transition, the old order changed, giving place to new. On May 1, the General Assembly met at Newport for the last session under the old government. The next day, so records the PROVIDENCE JOURNAL, the members of the new Senate and House gathered in front of Townsend's Hall, at half-past ten, and with the governor and state officers were escorted by the Rhode Island Horse Guards and Newport Artillery to the State House, where they met in their separate chambers and organized. The governor for the past year presided over the Senate, and the senior members of the House from Newport, with the clerks of the old House, directed the organization of the House. On the following day, May 3, there was a procession from the State House to the Second Baptist Church, where exercises in celebration of the establishment of the new government under the Constitution were held. Rhode Island had long been a republic, but its ruling oligarchy, loudly proclaiming the virtues of the illiberal constitution which had just been adopted, must complete its work by trying and punishing the man who had sought, as he believed, to lead the commonwealth out of darkness into light. On the last day of February, 1844, Thomas W. Dorr was taken from jail in Providence and brought to Newport to be tried in the old State House for treason. As Mr. Eaton has pointed out, the trial of Dorr in Newport for offenses committed in Providence County was "a violation of the usual rule of law requiring trial for a criminal offense in the county where the offence

was committed," although in this instance an impartial jury was more likely to be had in Newport County, where the Dorr adherents were few; and the case was unique from the fact that it was "a trial by the court of a State under a new constitution, for treason committed against a form of government that had now gone out of existence." One hundred and eighteen jurors were summoned and examined before the necessary twelve were obtained. On the 25th of June the trial ended with the announcement by Chief Justice Durfee of the sentence of the court: "That the said Thomas W. Dorr be imprisoned in the State's Prison in Providence, in the County of Providence, for the term of his natural life, and there kept at hard labor in separate confinement." Ten years passed, and then, by act of the General Assembly, the judgment of the court was "repealed, reversed, annulled and declared in all respects to be as if it had never been rendered."

The year 1900 saw the last session of the assembly at Newport. On June 12 the assembly met to elect a United States senator and inaugurate Governor Gregory. On Jan. 1, 1901, the assembly met for the first time in the new State House at Providence, and Rhode Island no longer had two capitals.

One can hardly avoid, on an occasion like this, some observations on the public life of the State which the building, whose historical significance we commemorate today, typifies. Of the laws enacted during the long period which I have briefly surveyed, many have been good, some bad, and a fair proportion either unnecessary or ill-considered, which is about what must be said of the legislation of every American commonwealth during the same period. The decisions of the courts have worked substantial justice as between suitors, safe-guarded property and labor, and punished wrong-doers. It has been within the power of the legislature to recall its judges at any time if it did not like them, and within the power of the electors to change their representatives at any time for the same reason; and if either legislature or judiciary have at any time gone astray, and their error has passed unrebuked, it is not because the people have lacked the power to correct them. We have emphasized too much our peculiarities here in Rhode Island, and the habit is as bad for a community as for an individual. Let us not forget that we have in Rhode Island government by the people, and that our government is, as it ought to be in a democracy, pretty much what the people want. The rewards of a democracy are measured by its desires; the people wear no fetters save such as they themselves have forged.

What, then, ought our Rhode Island democracy to want? If we do not like our present government, its forms or its methods, what do we wish to put in its place? Such questions might well be made the text for a long discourse, but not for a discourse that would be appro-

priate here. Yet I take it that the State, in placing a tablet on the old State House at Newport, and imposing upon a committee of the Rhode Island Historical Society and others the permanent custody of it, declares its wish that the building and what the building stands for, shall be perpetually remembered, and that the attention of the public, even of the passer-by, shall be besought. The tablet, like the building, celebrates the past; and it is the past that counts most in life. History is not a science in the sense that we can lay down laws of mathematical or biological certainty, or predict the future with accuracy in detail. We may not be free to wish what we will, but we are free to will what we wish. But the lessons of the past are written large on the pages of history, teaching us, if we will but study them, what to imitate if we will have prosperity, what to avoid if we will escape disaster, and how to adjust the demands of the practical and the ideal so that our day, like the days of our fathers, may make for progress.

I wish, therefore, that the unveiling of this tablet might connect itself with a new awakening of interest in history in Newport: that the Historical Society whose hospitality we enjoy might be quickened to increased activity; that the sites of famous buildings or notable occurrences, and the homes and haunts of prominent men and women, might be more numerously marked; that the history of Rhode Island and of the nation might be better and more thoroughly taught in the schools, and read and pondered by individuals; and that lectures, exhibitions, and public commemorations might keep in constant memory the annals of the past. Particularly do I wish that those among you of foreign birth and foreign speech, with an historical heritage very different from ours, may be instructed and informed. If you will do these things, you will have cooperated in achieving the purpose for which the Commission for Marking Historical Sites was created; but you will have done much more than that, in that you will have helped to make sure that government of the people, by the people, and for the people does not perish from the earth.

## SOCIETY NOTES

### BY-LAWS

#### Correction :

On account of a slight error in printing, Section 7 of the By-Laws reads incorrectly. It should be as follows :

SEC. 7. At the annual meeting the Society shall assess a tax upon each sustaining member of ten dollars, upon each annual member of two dollars, and upon each associate member of one dollar, which latter class shall be entitled to all the privileges of the Society except that of voting.

### MEETINGS

The regular quarterly meeting of the Society was held November 17th, at 3 p. m., Dr. Terry, Vice President, in the chair. The second part of the paper written by our late Vice President, Hon. R. S. Franklin, on Newport Cemeteries was read by the Librarian.

### NEW MEMBERS

The following have been elected since the publication of the October Bulletin ;

Annual—Miss Caroline Ogden Jones, John H. Greene, Jr., James H. Drury, William E. Dennis, Jr.

Associate—Miss Mary E. Burdick

### MUSEUM AND LIBRARY ACQUISITIONS

Books added to the library which are of particular interest :

The Rhode Island Signers of the Declaration of Independence. Pub-

lished by the Rhode Island Society, Sons of the American Revolution, 1913

William Tanner, Sr., of South Kingstown, R. I., and His Descendants. By Rev. George C. Tanner, D. D., 1910, gift of Dr. Tanner.

The Seal, the Arms and the Flag of Rhode Island, by Howard M. Chapin. Published by the Rhode Island Historical Society, 1913.

The Massachusetts Magazine or Monthly Museum of Knowledge and Rational Entertainment, March, May and September, 1793 ; December, 1795, May and October, 1796. Gift of Mrs. David King.

New Salem Pictures, by Rev. Haig Adadonrian, 1913. Gift of Dr. Adadonrian.

The Journal of American History, from the first volume, 1907, to date. Gift of Mrs. Thomas A. Lawton.

### MANUSCRIPTS

Record books of the Fellowship Club, later called the Marine Society, beginning 1752. Gift of Rev. Dr. Terry.

Papers relating to Dr. Jackson's antiquarian map. From estate of Hon. R. S. Franklin.

Typewritten copies of unpublished correspondence of Nicholas Cooke, Governor of Rhode Island, November 1775 to May 1778. Gift of Miss Anne Cooke Cushing, Providence, R. I.



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INCORPORATED 1854

*For the year ending May, 1914*

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